



May 12, 2006

Mark Bradley
National Organic Program
1400 Independence Ave., SW
Washington, DC 20250

This will be E-mailed to: National.List@usda.gov .

Dear Mr. Bradley and National Organic Program,

Please accept these written comments on the proposed rule AMS - docket number TM-06-06 PR.

Comment:

The proposed rule contradicts the existing parts of the NOP *(in red and enlarged below)*. This has likely come about through oversight, and no one could predict that this would be the outcome of updating the rule as required by the courts orders. However Nature's Path Foods Inc., feels that this potential inconsistency must be addressed at the same time as bringing the rule into compliance with the court order.

Specifically 205.606 cannot include the "Made With Organic" category, as it is written, without being in contradiction with these other parts of the rule.

§ 205.301 Product composition.

(c) Products sold, labeled, or represented as "made with organic (specified ingredients or food group(s))." Multiingredient agricultural product sold, labeled, or represented as "made with organic (specified ingredients or food group(s))" must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of § 205.301(f). *Nonorganic ingredients may be produced without regard to paragraphs (4), (5), (6), and (7) of § 205.301(f).* If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.

§ 205.301(f)

(4) Be processed using processing aids not approved on the National List of Allowed and Prohibited Substances in subpart G of this part: Except, That, products labeled as "100 percent organic," if processed, must be processed using organically produced processing aids;

(5) Contain sulfites, nitrates, or nitrites added during the production or handling process, Except, That, wine containing added sulfites may be labeled "made with organic grapes";

(6) Be produced using nonorganic ingredients when organic ingredients are available; or


(7) Include organic and nonorganic forms of the same ingredient.

We strongly encourage the Secretary and National Organic Program to keep 205.606 consistent with the Court order simultaneously with keeping it compatible with the other parts of the rule. This can be accomplished through dropping the "Made With Organic" category from 606, or by creating separate categories under 606 for "Organic" and "Made With Organic".

We are opposed to leaving 205.606 as it stands to include MWO category, as it would cause great disruption to the current industry that produces MWO certified products, and would add confusion to the consumer expectation and understanding of the organic categories.

Thank you for hearing our comment.

Sincerely,



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